

UNITED STATES DISTRICT COURT
IN THE DISTRICT OF MASSACHUSETTS

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ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff
v.

FILED
IN CLERKS OFFICE
2005 OCT 21 P 2:38
Case No.: 05-11693 (RCL)
DISTRICT OF MASS.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS, INC.,
d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J. CULLINEY,
D.C., and JENNIFER McCONNELL, D.C.,

Defendants.
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**ORDER DISSOLVING EX PARTE ATTACHMENT OF REAL PROPERTY AT 13
KIDDER ROAD, CHELMSFORD, MA AND MODIFYING ATTACHMENT BY
TRUSTEE PROCESS OF PROCEEDS HELD IN THE HANDS AND IN POSSESSION
OF TRUSTEE DONALD LASSMAN**

At the request of the plaintiff Encompass Insurance Company of Massachusetts ("Encompass") and the defendant Edward Kennedy ("Kennedy") it is hereby ORDERED as follows:

1. That the Ex Parte Real Estate Attachment ordered by the Court on Tuesday August 16, 2005, on any and all real property owned by or in which Kennedy holds an interest up to the amount of \$625,386.00, and the Ex Parte Attachment by Trustee Process (Donald Lassman, Receiver of the 13 Kidder Road Realty Trust) up to the amount of \$490,000.00. are hereby MODIFIED to \$1,890,000.00 ("MODIFIED ATTACHMENT")
2. The MODIFIED ATTACHMENT is dissolved with respect only to the real property located at 13 Kidder Road, Chelmsford, Massachusetts ("Kidder Road Property") to facilitate the sale of such property on or about October 28, 2005;

3. The Kidder Road Property is owned by the 13 Kidder Road Realty Trust.

4. Edward Kennedy, and his brother, James Kennedy are the sole beneficiaries of the 13 Kidder Road Realty Trust;

5. Edward Kennedy holds a fifty percent (50%) beneficial interest in the 13 Kidder Road Realty Trust;

6. The Kidder Road Realty Trust will realize approximately \$800,000.00, (exclusive of expenses and other administrative costs) from the sale of the Kidder Road Realty Trust;

7. Accordingly, Edward Kennedy's interest in the sales proceeds will be approximately \$400,000.00 (less any fees or closing costs);

8. The proceeds of the sale of the Kidder Road Property will be held by Donald Lassman, duly appointed Receiver (hereafter "Receiver") of 13 Kidder Road Realty Trust, First Health Products, Inc., and Robert T. Kennedy, Inc.

9. The Receiver will hold Edward Kennedy's approximate beneficial interest of \$409,080.00 pursuant to the Findings and Order of Approval of Ex Parte Attachment by Trustee Process entered by the Court on August 16, 2005, and the Summons to the Trustee served by Encompass upon Donald Lassman on August 17, 2005.

10. The Receiver will hold Edward Kennedy's proceeds until (1) termination of the Receivership appointment at which time the Receiver will transfer said proceeds to Jeffrey Phillips, Esquire, counsel for Edward Kennedy, as escrow agent to hold the funds pending resolution of this litigation; or (2) further Order of this Court

BY THE COURT,


UNITED STATES DISTRICT JUDGE

DATED: OCTOBER 20, 2005